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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,408	02/16/2001	Robin Chase	ZipCar/US Patent	1960
23483	7590	05/12/2004	EXAMINER	
HALE AND DORR, LLP 60 STATE STREET BOSTON, MA 02109			RUHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER

3629

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/785,408

Applicant(s)

CHASE ET AL.

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20020308
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-33,52 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 1, it is not clear how many verification modules are being claimed. Are there two or just one? The term "the remote verification module" lacks antecedent basis.

For claim 10,11,13,18,20, there is no antecedent basis for "the vehicle associated processor" and it is not clear what this is because it was not previously claimed.

For claim 21, the scope of the phrase "operates in accordance with a known wireless technology" is unclear. What is the known wireless technology being claimed? Known to whom (public or just one person)? For examination purposes this is being interpreted to be reciting a wireless connection and nothing more.

For claim 31,32,33,52, there is no antecedent basis for "the vehicle associated access control processor" and it is not clear what this is because it was not previously claimed.

For claim 52, the term "the remote verification module" lacks antecedent basis. It is not clear how many verification modules are being claimed.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-8,33,52, are rejected under 35 U.S.C. 102(b) as being anticipated by Kaman (5715905).

For claims 1,33,52, Kaman discloses a system for controlling access to a vehicle. The system has a vehicle access control module 28, a verification module 38. The verification module and the access control module communicate with each other through a communication channel (inherent).

For claim 2, see column 3, lines 46-48.

For claim 3, Kaman discloses “wireless”. See column 2, lines 30-32, lines 45-54; column 3, line 31 to end of column 3.

For claim 4, the computer system 38 of Kaman satisfies what is claimed.

For claims 5,6, the computer system 38 is fully capable of the claimed functional language and has “elements” that would allow the claimed function to occur. In the event that a vehicle has only one authorized user this is effectively a person making a reservation in advance for a predetermined period of time (until further notice).

For claim 7, Kaman discloses an “access code”. See column 7, lines 2-10.

For claim 8, Kaman discloses an ID card (and/or a retinal or fingerprint scan).

5. Claims 34-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Klein et al. (5726885).

For claims 34,35, Klein discloses a car rental system that allows authorized users to rent from a fleet of cars. Klein discloses the step of accepting a reservation, see column 4, lines 35-42 and column 7, lines 4-28. Klein discloses that the reservation information is saved in a computer D (database) at the disposition center. Klein discloses accepting a request to access message in column 7, lines 29-45, Klein discloses that a verification process is performed that determines the ID of the customer (are they an authorized user?) and verifies reservation information contained in the database (computer D). If all the information checks out ok, then an chip card is issued and the user is granted access to the car.

For claim 36, see column 5, lines 39-40, lines 43-44, and column 8, lines 12-26.

For claim 37, see column 5, lines 44-50.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 9-14, 16-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaman (5715905) in view of Hirshberg (5289369).

For claims 9, 10, Kaman does not disclose that the ID card is a chip card. Kaman discloses and recognizes that the form of identification used can be varied and discloses numerous options (magnetic card, key card, ID code, fingerprint, etc.). Hirshberg discloses a vehicle rental system that utilizes an ID card (electronic card (chip card), magnetic card, bar code card, etc.) for user identification. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Kaman with an electronic card for identification as disclosed by Hirshberg as a form of identification. An electronic chip card is just another option for the form of identification that is required to access the vehicle.

For claims 11, 12, Kaman does not disclose that the vehicle associated processor (should this be the vehicle associated access control module?, see 112 rejection) has a visual display and a speaker. Kaman discloses that the access control module is capable of sending messages (via keyboard) and receiving messages (by a printer). Hirshberg discloses a vehicle rental system where each vehicle is equipped with a computer that has a display, etc.. It would have been obvious to one of ordinary skill in

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the art at the time the invention was made to provide the access control module of Kaman with a display and speaker so that a user can more easily receive messages in the vehicle. Kaman teaches the desirability of being able to receive messages in the vehicle so it is considered obvious to provide a display and speaker for the receipt of those messages.

For claims 13,14,16, Kaman discloses a keyboard, see column 7, line 5.

For claim 17, the computer system 38 of Kaman satisfies what is claimed.

For claim 18, see column 7, lines 36-38.

For claim 19, see column 7, lines 33,34.

For claim 20, it is considered inherent that there be a modem in the system of Kaman. A modem is required for Internet communication.

For claims 21,24, as this claim is best understood by the examiner Kaman discloses what is claimed.

For claim 22, see column 3, lines 32-38.

For claim 23, Kaman does not disclose GSM wireless technology. Kaman recognizes and discusses the fact that the wireless communication may be accomplished via any number of different protocols and communication systems. Kaman discloses numerous types of communication protocols but does not disclose GSM wireless technology. The examiner has consulted the instant specification and notes that the use of GSM wireless technology does not solve any stated problem or produce any unexpected result, and the system would perform equally well with any

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type of communication protocol; therefore it is considered obvious to one of ordinary skill in the art at the time the invention was made to use GSM wireless technology.

For claims 25,26, the language of the claim does not further define any structure to the claimed system and is purely functional. The system of Kaman is fully capable of what is claimed and satisfies claims 25,26.

For claims 27,32, the system of Kaman is fully capable of what is claimed.

For claims 28-30, see column 5, lines 13-30.

For claim 31, it is considered inherent that there is a program as claimed in the system of Kaman. If no program was present, the system would not be able to operate as disclosed.

9. Claims 38-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. (5726885).

For claims 38,40,41,46,47,50, Klein does not disclose the step of verifying the status of a user's account. The examiner considers it very obvious to one of ordinary skill in the art at the time the invention was made to check the account status of the user so that if any money is owed (outstanding balance) the rental agency can request payment prior to allowing the user to rent another car. The act of checking the account of a user of a service is standard business practice because if you are owed money you want to collect it before allowing more services to be rendered. Following the same rationale for claim 39, if there is a problem on the account, it only makes sense to notify the user; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to notify the user of a problem with the account.



For claim 42, Klein does not disclose the step of presenting the user with alternate choices in the event the vehicle they wish to rent is not available. The examiner takes "official notice" that it is old and well known in business to give the customer options if their first choice is not available. In the example of renting of cars, if a customer desires a mid sized car and none are available, the customer is given the option to rent another type of car that is available. When booking with the airlines, if your first choice of flight is all booked and no seats are available, you are given alternate flights to choose from.

For claims 43,44,45, information about the reservation is transmitted to a vehicle associated processor (HA).

For claims 48,49, if you have no reservation or an invalid ID, the system of Klein will not allow access to the vehicle.

For claim 51, see column 6, lines 1-12 and lines 24-34 and column 5, lines 38-56. Klein discloses receiving usage information, calculating billing information, etc. as claimed.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaman in view of Hirshberg and further in view of Treyz et al. (6526335).

For claim 15, Kaman teaches that the access control module has a display but does not disclose that the display is a touch screen display. Treyz discloses an automobile computer system that is similar to that of Kaman in the sense that both have processors, displays, keyboard, etc.. Treyz discloses that a touch screen display may

be desirable and allows for direct user interaction. See column 13, lines 51-57 and column 14, lines 34-56 of Treyz. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Kaman with a touch screen display so that user interaction is made easier.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pugliese, III et al. (2001/0016825), Murakami et al. (6636145) and Bunn (6240365) disclose systems for controlling car access used in the rental of cars.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DENNIS RUHL  
PRIMARY EXAMINER